REMARKS / ARGUMENTS

The present application includes pending claims 1-32, all of which have been rejected. The Applicant respectfully submits that the claims define patentable subject matter.

Claims 1-9, 11-19, 21-29, 31 and 32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,875,185 ("Wang"), in view of USP 5,371,738 ("Moelard"). Claims 10, 20 and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang, in view of Moelard, further in view of U.S. Patent No. 7,200,673 ("Augart"). The Applicant respectfully traverses these rejections at least for the reasons previously set forth during prosecution and at least based on the following remarks.

I. Examiner's Response to Arguments

The Examiner states the following in the Final Office Action:

At pages 2-4, applicant argues that Wang fails to disclose, "identifying a location of a network device within the hybrid wired/wireless network, the network device being movable within the hybrid wired/wireless network." In reply, Wang discloses that a mobile station moves to a new coverage area where it will be located by sending a location message of the new base station to the original base station. That is, finding a new coverage area where the mobile device will be belonged by the new base station is equivalent to identifying a location of the mobile device. However, the examiner provides a second reference to meet the limitation. Moelard discloses the method of identifying the location of the mobile wireless

station relative to the base station as described in col.2, ln.57-58. Therefore, the examiner respectively disagrees.

See the Final Office Action at pages 6-7. The Applicant respectfully disagrees with the above argument. As already pointed out in the July 30, 2007 response and in the January 16, 2008 pre-appeal brief, referring to FIGs. 4 and 6 of Wang, the only network device that is "movable" within the network is the mobile terminal (MT) or cell (C) 64. The base stations (BS) 60a, 60b, as well as the switches 54, 58 that are used during handoff, are all stationary. The above Final Office Action citation states "*finding a new coverage area where the mobile device will be belonged by the new base station is equivalent to identifying a location of the mobile device.*" **The Applicant fails to see how "moving of MTa using location message between old BS and new BS" reads on "identifying a location of a network device," as recited in Applicant's claim 1. The Applicant also fails to see how finding the coverage area of the base station is equivalent to "identifying a location of the mobile device."** As already stated in the July 30, 2007 response and in the January 16, 2008 pre-appeal brief, in step 104 of FIG. 9A, **Wang discloses that a "location message" is issued to the original base station BS$_{ORIG}$. However, <u>this "location message" contains the location of the new base station BS$_{NEW}$, and it does not contain the location of the mobile terminal (MT$_a$). Wang only identifies the location of the base station and it does not identify a location of the mobile device. In fact, Wang does not require the determination of, or the use in any other way, of a location information of the</u>**

mobile terminal. Moelard does not overcome the above deficiencies of Wang as it

does not disclose that finding the coverage area of the base station is equivalent

to "identifying a location of the mobile device."

Therefore, the Applicant maintains that the combination of Wang-Moelard does

not disclose or suggest at least the limitation of "identifying a location of a network

device within the hybrid wired/wireless network, the network device being movable

within the hybrid wired/wireless network," as recited by the Applicant in independent

claim 1.

REJECTION UNDER 35 U.S.C. § 103

In order for a *prima facie* case of obviousness to be established, the Manual of

Patent Examining Procedure, Rev. 6, Sep. 2007 ("MPEP") states the following:

> The key to supporting any rejection under 35 U.S.C. 103 is the clear
> articulation of the reason(s) why the claimed invention would have been
> obvious. The Supreme Court in KSR International Co. v. Teleflex Inc., 82
> USPQ2d 1385, 1396 (2007) noted that the analysis supporting a rejection
> under 35 U.S.C. 103 should be made explicit. The Federal Circuit has
> stated that "rejections on obviousness cannot be sustained with mere
> conclusory statements; instead, there must be some articulated reasoning
> with some rational underpinning to support the legal conclusion of
> obviousness."

See the MPEP at § 2142, citing *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336

(Fed. Cir. 2006), and *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d at 1396

(quoting Federal Circuit statement with approval). Further, MPEP § 2143.01 states that

"the mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art" (citing *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385, 1396 (2007)). Additionally, if a *prima facie* case of obviousness is not established, the Applicant is under no obligation to submit evidence of nonobviousness:

> The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness.

See MPEP at § 2142.

II.   **The Proposed Combination of Wang and Moelard Does Not Render Claims 1-9, 11-19, 21-29, and 31-32 Unpatentable**

A.   **Rejection of Independent Claim 1**

With regard to the rejection of independent claim 1 under 35 U.S.C. § 103(a), the Applicant submits that the combination of Wang-Moelard does not disclose or suggest at least the limitation of "identifying a location of a network device within the hybrid wired/wireless network, the network device being movable within the hybrid wired/wireless network," as recited by the Applicant in independent claim 1.

The Final Office Action states the following with regard to claim 1:

> - moving a location (moving of MTa using location message, see 104 fig.9A) of a network device (MTa, see 102 fig.9A) within the hybrid wired/wireless network (as shown in fig.4), the network device being

movable within the hybrid wired/wireless network (Mobile Terminal is movable, see fig.4);

...

Wang discloses that a mobile station moves to a new coverage area where it will be located by sending a location message of the new base station to the original base station, but Wang does not explicitly disclose the limitation of "identifying a location of a mobile station. That is, finding the new coverage area where the mobile device will be belonged by the new base station is equivalent to identifying a location of the mobile device. However, the examiner provides a second reference to meet the limitation. Moelard discloses the method of identifying the location of the mobile wireless station relative to the base station (see col.2, ln.57-58). Therefore, it would have been obvious. to one of ordinary skill in the art at the time of applicant's invention to apply the method of identifying a location of a mobile device of Moelard into the hand over method of Wang in order to provide seamless service during the hand over of mobile device.

See the Final Office Action at pages 2-3. The Final Office Action relies for support on

steps 104-110 in Figure 9a of Wang. Wang discloses the following with regard to

Figure 9a:

FIGS. 9a and 9b are a flow chart of a preferred handoff method 100 according to the inventive method. The preferred method begins when mobile terminal MTa moves from a previous coverage area Ci covered by BS_{ORIG} to a new coverage area C1 covered by BS_{NEW} (step 102). When this happens MTa issues two messages. **It issues to BS_{ORIG} a "location message" containing the location of BS_{NEW}. It issues to BS_{NEW} a "connection message" containing $VCC_{k,a}$, where k=1,2, . . . n** (step 104). When BS_{ORIG} receives the "location message", it issues to the switch to which it is connected, via of the handoff VC, a "routing message" containing $VCC_{k,a,}$ the location of BS_{ORIG}, and the location of BS_{NEW} (step 106). The switch to which BS_{ORIG} is connected compares the location of BS_{ORIG} and the location of BS_{NEW} and determines if MTa's mobility is intra- or inter-switch (step 108).

See Wang, col. 8, lines 30-45 (emphasis added). Initially, the Applicant points out that Figure 9a of Wang describes a "seamless handoff method" and it is not related to providing location based configuration in a hybrid wired/wireless network. More specifically, Wang uses virtual channel connections (VCCs), which are identified by VCC characteristics, to achieve the seamless handoff.

The Applicant points out that the "location message" of Wang is for purposes of identifying the location of a base station BS_{NEW} (the Final Office Action is apparently equating the "network device" limitation of Applicant's claim 1 with the base station BS_{NEW}). **Since a base station, such as BS_{NEW}, as well as its corresponding switch, such as switch 54, are all <u>stationary</u> and are not movable within the wireless network, <u>the "location message" disclosed by Wang in Figure 9a does not identify a location of a network device within a hybrid wired/wireless network</u>, where the network device, identified by the Final Office Action as BS_{NEW}, is movable within the hybrid wired/wireless network.** Since the only movable network device is the mobile terminal MT, the Applicant points out that Wang is silent as to identifying a location of the mobile terminal MT.

Wang discloses that a "location message" is issued to the original base station BS_{ORIG}. However, this "location message" contains the location of the new base station BS_{NEW}, and it does not contain the location of the mobile terminal (MT_a). Wang only identifies the location of the base station and it does not identify a location of the mobile device. In fact, Wang does not require the

determination of, or the use in any other way, of a location information of the mobile terminal.

Moelard does not overcome the above deficiencies of Wang as it does not disclose that finding the coverage area of the base station is equivalent to "identifying a location of the mobile device." The Final Office Action relies on col. 2, lines 57-58 of Moelard, which simply discloses that each base station may maintain a dynamic filtering database with locations of the mobile terminal in relation to the base station. However, Moelard does not disclose that **finding the coverage area of the base station is equivalent to identifying a location of the mobile device, or that the location of the base station is used in any way to identify the location of the mobile device.**

Therefore, the Applicant maintains that the combination of Wang-Moelard does not disclose or suggest at least the limitation of "identifying a location of a network device within the hybrid wired/wireless network, the network device being movable within the hybrid wired/wireless network," as recited by the Applicant in independent claim 1.

Furthermore with regard to the rejection of independent claim 1 under 35 U.S.C. § 103(a), the Applicant submits that the combination of Wang-Moelard does not disclose or suggest at least the limitation of "determining configuration information corresponding to said determined location of said network device," as recited by the Applicant in independent claim 1.

The Final Office Action states the following with regard to claim 1:

Regarding claims 1 and 21, Wang discloses a method [and a system] for providing location based configuration in a hybrid wired/wireless network, the method comprising:
* * *

- determining configuration information (connecting message, see 104 fig.9A) corresponding to the determined location of the network device (MTa moves from old BS to new BS, see 104 fig.9A);

See the Final Office Action at page 3. The Examiner is equating Applicant's "configuration information" with Wang's "connecting message." The Applicant points out that, as stated in step 104 of Wang's FIG. 9a, the "connecting message" consists of virtual channel connection (VCC) information. Furthermore, in instances of intra-switch signal processing (e.g., FIG. 4 of Wang), the virtual channel is used between a base station and a switch. *See* Wang, col. 6, lines 7-9. In instances of inter-switch signal processing (e.g., FIG. 6 of Wang), the virtual channel is used only between the base stations. *See* Wang, col. 7, lines 18-19. In this regard, **in both signal processing scenarios disclosed by Wang, the VCC corresponds only to a base station and/or a switch and it does not correspond to any of the MTs.** Therefore, the Applicant maintains that Wang does not disclose or suggest at least the limitation of "determining configuration information corresponding to said determined location of said network device," as recited by the Applicant in independent claim 1. Moelard does not overcome the above deficiency of Wang.

Therefore, the Applicant maintains that the combination of Wang-Moelard does not disclose or suggest at least the limitation of "determining configuration information corresponding to said determined location of said network device," as recited by the Applicant in independent claim 1.

Furthermore with regard to the rejection of independent claim 1 under 35 U.S.C. § 103(a), the Applicant submits that the combination of Wang-Moelard does not disclose or suggest at least the limitation of "communicating said determined configuration information to said networking device for providing location based configuration of said network device," as recited by the Applicant in independent claim 1.

The Final Office Action states the following with regard to claim 1:

> Regarding claims 1 and 21, Wang discloses a method [and a system] for providing location based configuration in a hybrid wired/wireless network, the method comprising:
>
> * * *
>
> - communicating the determined configuration information to the networking device (communication between old BS and Switch, see 106 fig.9A) for providing location based configuration of the network device (106 fig.9A).

See the Final Office Action at page 3. The Final Office Action relies for support on step 106 in Figure 9a of Wang. Step 106 in Figure 9a of Wang discloses that after BS$_{ORIG}$ receives the "location message", **it issues to the switch** to which it is connected, a "routing message" containing VCC$_{k,a,}$ the location of BS$_{ORIG}$, and the

location of BS_{NEW}. The Applicant points out that **the "routing message" is issued to the switch, i.e., it is not issued or communicated to the base station BS_{NEW}**, which the Final Office Action has equated to Applicant's "network device." Furthermore, the Applicant points out that the "routing message" contains information that is used for establishing a handoff between two base stations and it is not used to configure a network device, as recited in Applicant's claim 1. Moelard does not overcome the above deficiency of Wang.

Therefore, the Applicant maintains that the combination of Wang-Moelard does not disclose or suggest at least the limitation of "communicating said determined configuration information to said networking device for providing location based configuration of said network device," as recited by the Applicant in independent claim 1.

Accordingly, independent claim 1 is not anticipated by Wang and is allowable. Independent claims 11 and 21 are similar in many respects to the method disclosed in independent claim 1. Therefore, the Applicant submits that independent claims 11 and 21 are also allowable over the references cited in the Final Office Action at least for the reasons stated above with regard to claim 1.

B.   Rejection of Dependent Claims 2-9, 12-19, 22-29, 31 and 32

Based on at least the foregoing, the Applicant believes the rejection of independent claims 1, 11 and 21 under 35 U.S.C. § 103(a) as being unpatentable over Wang in view of Moelard has been overcome and requests that the rejection be withdrawn. Additionally, claims 2-9, 12-19, 22-29, 31 and 32 depend from independent claims 1, 11 and 21, respectively, and are, consequently, also respectfully submitted to be allowable.

The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 2-9, 12-19, 22-29, 31 and 32.

III.   The Proposed Combination of Wang, Moelard, and Augart Does Not Render Claims 10, 20 and 30 Unpatentable

Based on at least the foregoing, the Applicant believes the rejection of independent claims 1, 11 and 21 under 35 U.S.C. § 103(a) as being unpatentable over Wang in view of Moelard has been overcome and requests that the rejection be withdrawn.   Additionally, since the additional cited reference (Augart) does not overcome the deficiencies of Wang and Moelard, claims 10, 20 and 30 depend from independent claims 1, 11 and 21, respectively, and are, consequently, also respectfully submitted to be allowable at least for the reasons stated above with regard to allowability of claim 1. The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 10, 20 and 30.

CONCLUSION

Based on at least the foregoing, the Applicant believes that all claims 1-32 are in condition for allowance. If the Examiner disagrees, the Applicant respectfully requests a telephone interview, and requests that the Examiner telephone the undersigned Attorney at (312) 775-8176.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

Date: 29-JUL-2008

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